

1 ERSKINE & TULLEY
2 A PROFESSIONAL CORPORATION
3 MICHAEL J. CARROLL (St. Bar #50246)
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3 San Francisco, CA 94104
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4 Attorneys for Plaintiff

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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BOARD OF TRUSTEES OF THE SHEET)	NO. C 07 5441 SI
METAL WORKERS, et al.)	
Plaintiff,)	DECLARATION OF ATTORNEY
vs.)	MICHAEL J. CARROLL
BART MILL MECHANICAL, etc.)	IN SUPPORT OF PLAINTIFF'S
Defendant.)	EX PARTE APPLICATION FOR
)	ORDER TO CONTINUE CASE
)	<u>MANAGEMENT CONFERENCE</u>

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I, MICHAEL J. CARROLL, certify:

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1. I am an attorney with the law firm of Erskine & Tulley, A Professional Corporation, attorneys for plaintiffs in this action. I am duly admitted to practice law in the United States District Court, Northern District of California. If called as a witness, I could and would competently testify as follows:

2. A First Amended Complaint was served on February 13, 2008. No responsive pleading was filed.

3. On April 22, 2008 the Court entered the default of

defendant.

4. Substantial payments have been paid.

2 5. It is requested that the Court continue the Case
3 Management Conference some ninety days hence so that a motion for
4 default judgment can be prepared and filed.

5 6. Good cause exists to grant plaintiff's request for a
6 continuance of the Case Management Conference currently set for May
7 9, 2008 to July 11, 2008 to allow the parties time to settle this case
8 and avoid any unnecessary burden to the Court.

9 I declare under penalty of perjury that the foregoing is
10 true and correct to the best of my knowledge.

/s/ Michael J. Carroll
Michael J. Carroll

PROOF OF SERVICE BY MAIL

2 I am a citizen of the United States and employed in the City and
3 County of San Francisco, California. I am over the age of eighteen
4 years and not a party to the within above entitled action; my business
5 address is 220 Montgomery Street, Suite 303, San Francisco, CA 94104.
6 On April 24, 2008 I served the within **DECLARATION OF ATTORNEY MICHAEL**
7 **J. CARROLL IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR ORDER**
8 **TO CONTINUE CASE MANAGEMENT CONFERENCE** on the defendant in said
9 action, by placing a true copy thereof enclosed in a sealed envelope
10 with postage thereon fully prepaid, in the United States post office
11 mail box at San Francisco, California, addressed as follows:

12 || Bart Mill Mechanical

Mary Ann Silva

13 3790 Omec Circle, Suite B
Rancho Cordova, CA 95742

14 I, SHARON EASTMAN, certify (or decl
15 the foregoing is true and correct.

Executed on April 24, 2008 at San Francisco, California.

/s/Sharon Eastman
Sharon Eastman